IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 5970 of 2007(I)

PETITIONER:

K.S.SUBHASH,
UPPER DIVISION CLERK, SUB REGISTRY OFFICE,
CHEMANCHERRY, KOZHIKODE DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.
SRI.C.X.ANTONY BENEDICT

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT,
TAXES (REGISTRATION) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5970 OF 2007

Dated this the 27th February, 2007.

JUDGMENT

The petitioner is now working as Upper Division Clerk in the Registration Department. Proceedings initiated against him are pending finalisation. During the pendency of the disciplinary action, juniors have been promoted overlooking his right for promotion. According to the petitioner the higher post is not a selection post and notwithstanding the disciplinary proceedings pending against him his right for promotion can be considered. The post for which he would stake a claim for promotion is that of Junior Superintendent. Ext.P5 representation filed by the petitioner is pending with the first respondent. It is therefore necessary that the request made by the petitioner to promote him to the post of Junior Superintendent with effect from the date on which his juniors were promoted shall be considered and appropriate orders passed by the said respondent. Moreover, enquiry has been completed and show cause notice has been issued to the petitioner directing him to file representation as to why his two increments shall not be withheld. The disciplinary proceedings can therefore be finalised within a short time. There shall be an order directing the second respondent to

pass final orders within three weeks from the date of receipt of a copy of the judgment.

2. Writ petition is disposed of directing the first respondent to consider Ext.P5, pass orders in accordance with law and communicate the same to the petitioner within six weeks from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment and the writ petition before the first respondent for compliance.

K.K.DENESAN
Judge

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